THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 16130 of 2005

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Dated : 31.08.2005

Between:

Bandanapuram narasimhlu, S/o.B.Pochaiah,
R/o.Venkatraopet (Village), Thogunta Mandal, Medak district.

..... PETITIONER

AND

The Commissioner of Civil Supplies, Civil Supplies Bhavan,
Hyderabad and others.

…. **RESPONDENTS**

ORDER:

This writ petition is filed seeking a declaration that the order dated 01.07.2005 passed by the second respondent-Revenue Divisional Officer, Siddipet, Medak District is arbitrary and illegal.

The case of the petitioner is that he was appointed as a fair price shop dealer in the year 1999. He was issued a show cause notice dated 02.03.2005 by the second respondent calling upon him to explain as to why his dealership should not be dissolved as he has been appointed as a branch Post Master, for which he has furnished a detailed explanation. But, based on the letter of the first respondent-Commissioner of Civil Supplies, dated 24.05.1991 the second respondent passed the impugned order dated 24.05.1951 cancelling his authorisation even though his appointment as Branch Post Master is temporary and part time and does not conflict with the function of the fair price shop dealer. Hence this writ petition.

Learned counsel for the petitioner contended that the post in which the petitioner is working is a temporary one and that is not the bar for continuing the petitioner as a fair price shop dealer and therefore, he prays to allow the writ petition. He also placed reliance on the amendment of Rules in G.O.Ms.No. 246 Revenue, dated 09.03.2002, wherein the Village Administrative Officers (by Revenue) may take up subsidiary occupations such as Branch post master, stamp vendor or other occupations of like nature or in charge of the village etc., and therefore, there is no bar for the branch post master for dealing with the fair price shop.

On the other hand, learned Government Pleader for Civil Supplies contended that as per G.O.Ms.No. 53 dated 06.10.2003 when a person is holding a public office, he is not eligible to run the fair price shop and therefore, he prays to dismiss the writ petition.

It is not in dispute that the petitioner is working as a Branch Post Master. Though, according to the petitioner, it is a temporary post, according to the respondent it is a permanent post and when the petitioner is working as a Branch Post Master, as per G.O.Ms.No. 53 dated 06.10.2003, he shall not be eligible to run the fair price shop. Clause 12 of the said G.O. reads as under:

> "All individuals holding any public office like Sarpanch of Gram Pranchayat, President of Mandal Praja Parishad, Chairman of Zilla Praja Parishad, President of Co.operative Societies, Councilors or Chairman of Municipality/Members of Zilla Parishad Territorial Constituency (ZPTC) etc.' irrespective of the reservation shall not be eligible".

However, learned counsel for the petitioner placed reliance on the G.O.Ms.No.246 dated 09.03.1992 to the effect that the Village Assistant Officers may take up the subsidiary occupations such as Branch Post Master and therefore, he contends that the petitioner is temporarily working as a Branch Post Master, he can run the fair price shop. Since G.O.Ms.No. 53 dated 06.10.2003 completely prohibits the persons holding a public office to run the fair price shop, the contention of the learned counsel cannot be accepted. The impugned order does not suffer from any legal infirmities so as to call for interference of this Court and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

31.08.2005

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